

REMARKS

Claims 1-31 are pending in the case, 20-31 having been withdrawn. The Office Action rejected each of claims 1-19 as follows:

- claims 1 and 4-17 as obvious under 35 U.S.C. §103(a) over U.S. Letters Patent 6,519,395 (“Bevan”) in combination with U.S. Letters Patent 5,724,306 (“Barr”);
- claims 18-19 as obvious under 35 U.S.C. §103(a) over Bevan in combination with Barr and further in view of U.S. Letters Patent 4,491,939 (“Carpenter”); and
- claims 2 and 3 as obvious under 35 U.S.C. §103(a) over Bevan in combination with Barr and further in view of U.S. Letters Patent 6,430,105 (“Stephen”).

Applicants traverse each of the rejections.

I. INFORMALITIES

The Office Action also noted that the drawings have been accepted.

The Office also indicated that the references cited in the IDS have been considered.

The Office made the restriction requirement “final” and withdrew claims 20-31 from examination.

The Office acknowledged receipt of the documents supporting Applicants’ claim to priority. Applicants assume that the claim has been perfected unless otherwise notified by the Office.

II. RESPONSE TO SUBSTANTIVE MATTERS

Each of the rejections is for obviousness and relies on U.S. Letters Patent 6,519,395 (“Bevan”) to teach all the limitations of the independent claims. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 706.02(j); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Because Bevan, when properly construed, fails to teach all the limitations for which the Office cites it, all the rejections fail to meet this legal standard.

The Office cited Bevan for teaching “a stress member extending continuously through the sensor module” as is recited in the independent claims. The Office more particularly points to a

“stress member 20” in Bevan. However, even the broadest reasonable interpretation of the claim language is limited by the plain meaning of the language to those skilled in the art. M.P.E.P. §2111.01. That to which the Office points is not what one skilled in that art would call a “stress member”—that is why, in the detailed description, Bevan actually states:

The metal strands 20 around the optical fiber 18 *function as* a strength member that protects the optical fiber from breaking when tension is applied to the array cable 9.

(col. 2, lines 19-23, emphasis added) If the metal strands were what those skilled in the art referred to as a “strength member”, there would be no need for the quoted statement.

Applicants have nevertheless amended the independent claims 1, 18, and 20 to recite that the stress member extend continuously through the sensor module “independently of any signal lead”. This limitation is incorporated into the dependent claims. 35 U.S.C. §112, ¶4. In Bevin, the metal strands 20 *must* be routed with whatever optical fiber they encase—they cannot be routed differently than the optical fiber. This is not true in the present invention—*i.e.*, the signal leads can be routed differently, or “independently”, from the stress member.

Accordingly, the art of record fail to teach or suggest all the limitations of the claims. The art of record therefore fails to render obvious any of claims 1-19. M.P.E.P. § 706.02(j); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).

III. CONCLUDING REMARKS

Applicants therefore respectfully submit that the claims are in condition for allowance, and requests that they be allowed to issue. The Examiner is invited to contact the undersigned attorney at (713) 934-4053 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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